

Union Calendar No. 194

103D CONGRESS
1ST SESSION

H. R. 3445

[Report No. 103-358]

A BILL

To improve hazard mitigation and relocation assistance in connection with flooding, to provide for a comprehensive review and assessment of the adequacy of current flood control policies and measures, and for other purposes.

NOVEMBER 15, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 4, 1993

Mr. APPELGATE (for himself, Mr. MINETA, Mr. SHUSTER, Mr. BOEHLERT, Mr. VOLKMER, Mr. DURBIN, Mr. GEPHARDT, Mr. EMERSON, Mr. COSTELLO, Ms. DANNER, Mr. WHEAT, Mr. SKELTON, Mr. TALENT, Mr. CLAY, Mr. EVANS, Mr. SMITH of Iowa, Mr. LEACH, Mr. LIGHTFOOT, and Mr. NUSSLE) introduced the following bill; which was referred to the Committee on Public Works and Transportation

NOVEMBER 15, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on November 4, 1993]

A BILL

To improve hazard mitigation and relocation assistance in connection with flooding, to provide for a comprehensive review and assessment of the adequacy of current flood control policies and measures, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Hazard Mitigation and*
5 *Flood Damage Reduction Act of 1993”.*

6 **SEC. 2. HAZARD MITIGATION.**

7 (a) *FEDERAL SHARE.*—Section 404 of The Robert T.
8 Stafford Disaster Relief and Emergency Assistance Act (42
9 U.S.C. 5170c) is amended by striking “50 percent” and in-
10 serting “75 percent”.

11 (b) *TOTAL CONTRIBUTIONS.*—Section 404 of such Act
12 is further amended by striking “10 percent” and all that
13 follows through the period and inserting “15 percent of the
14 estimated aggregate amounts of grants to be made under
15 this Act (less administrative costs) with respect to such
16 major disaster.”.

17 (c) *APPLICABILITY.*—The amendments made by this
18 section shall apply to any major disaster declared on or
19 after June 10, 1993.

20 **SEC. 3. PROPERTY ACQUISITION AND RELOCATION ASSIST-**
21 **ANCE.**

22 Section 404 of The Robert T. Stafford Disaster Relief
23 and Emergency Assistance Act (42 U.S.C. 5170c) is further
24 amended—

1 (1) by inserting “(a) *IN GENERAL.*—” before
2 *“The President”*; and

3 (2) by adding at the end the following:

4 “(b) *PROPERTY ACQUISITION AND RELOCATION AS-*
5 *SISTANCE.*—

6 “(1) *GENERAL AUTHORITY.*—In providing haz-
7 ard mitigation assistance under this section in con-
8 nection with flooding, the Director of the Federal
9 Emergency Management Agency may provide prop-
10 erty acquisition and relocation assistance for projects
11 which meet the requirements of paragraph (2).

12 “(2) *TERMS AND CONDITIONS.*—An acquisition
13 or relocation project shall be eligible for funding pur-
14 suant to paragraph (1) only if—

15 “(A) the recipient of such funding is an ap-
16 plicant otherwise eligible under the hazard miti-
17 gation grant program established under sub-
18 section (a); and

19 “(B) the recipient of such funding enters
20 into an agreement with the Director under which
21 the recipient provides assurances that—

22 “(i) properties acquired, accepted, or
23 from which structures will be removed
24 under the project will be dedicated and
25 maintained in perpetuity to uses which are

1 *compatible with open space, recreational, or*
2 *wetlands management practices;*

3 “(ii) *new structures will not be erected*
4 *in designated special flood hazard areas*
5 *other than (I) public facilities which are*
6 *open on all sides and functionally related to*
7 *a designated open space, (II) rest rooms,*
8 *and (III) structures which are approved in*
9 *writing before the start of construction by*
10 *the Director; and*

11 “(iii) *no future disaster assistance for*
12 *damages relating to flooding will be sought*
13 *from or provided by any Federal source for*
14 *any property acquired or accepted under*
15 *the acquisition or relocation project.”.*

16 **SEC. 4. FLOOD CONTROL AND FLOODPLAIN MANAGEMENT**
17 **POLICIES.**

18 (a) *STUDIES.*—*The Secretary of the Army shall con-*
19 *duct studies to assess national flood control and floodplain*
20 *management policies.*

21 (b) *CONTENTS.*—*The studies conducted under this sec-*
22 *tion shall—*

23 (1) *identify critical water, sewer, transportation,*
24 *and other essential public facilities which currently*
25 *face unacceptable flood risks;*

1 (2) identify high priority industrial, petrochemi-
2 cal, hazardous waste, and other facilities which re-
3 quire additional flood protection due to the special
4 health and safety risks caused by flooding;

5 (3) evaluate current Federal, State, and local
6 floodplain management requirements for infrastruc-
7 ture improvements and other development in the
8 floodplain and recommend changes to reduce the po-
9 tential loss of life, property damage, economic losses,
10 and threats to health and safety caused by flooding;

11 (4) assess the adequacy and consistency of exist-
12 ing policies on nonstructural flood control and dam-
13 age prevention measures and, where appropriate,
14 identify incentives and opportunities for greater use
15 of such nonstructural measures;

16 (5) identify incentives and opportunities for en-
17 vironmental restoration as a component of the Na-
18 tion's flood control and floodplain management poli-
19 cies;

20 (6) examine the differences in Federal cost-shar-
21 ing for construction and maintenance of flood control
22 projects on the Upper and Lower Mississippi River
23 systems and assess the effect of such differences on the
24 level of flood protection on the Upper Mississippi
25 River and its tributaries; and

1 (7) *assess current Federal policies on pre-event*
2 *repair and maintenance of both Federal and non-Fed-*
3 *eral levees and recommend Federal and non-Federal*
4 *actions to help prevent the failure of these levees dur-*
5 *ing flooding.*

6 (c) *CONSULTATION.*—*In conducting studies under this*
7 *section, the Secretary of the Army shall consult the heads*
8 *of appropriate Federal agencies, representatives of State*
9 *and local governments, the agricultural community, the in-*
10 *land waterways transportation industry, environmental or-*
11 *ganizations, recreational interests, experts in river hydrol-*
12 *ogy and floodplain management, other business and com-*
13 *mercial interests, and other appropriate persons.*

14 (d) *REPORT.*—*Not later than June 30, 1995, the Sec-*
15 *retary of the Army shall transmit to Congress a report on*
16 *the results of the studies conducted under this section.*

17 **SEC. 5. FLOOD CONTROL MEASURES ON UPPER MIS-**
18 **SISSIPPI AND LOWER MISSOURI RIVERS AND**
19 **THEIR TRIBUTARIES.**

20 (a) *STUDIES.*—*The Secretary of the Army shall con-*
21 *duct studies of the Upper Mississippi River and Lower Mis-*
22 *souri River and their tributaries to identify potential solu-*
23 *tions to flooding problems in such areas and to recommend*
24 *specific water resources projects that would result in eco-*

1 *nomically and environmentally justified flood damage re-*
2 *duction measures in such areas.*

3 *(b) CONTENTS.—The studies conducted under this sec-*
4 *tion shall—*

5 *(1) reflect public input;*

6 *(2) include establishment of baseline conditions*
7 *to allow for a full assessment of economic and envi-*
8 *ronmental costs and benefits associated with flood*
9 *damage reduction projects and changes in land use*
10 *patterns;*

11 *(3) identify options for development of com-*
12 *prehensive solutions for improved long-term flood*
13 *plain management;*

14 *(4) identify feasibility studies of specific projects*
15 *or programs that are likely to improve flood damage*
16 *reduction capabilities;*

17 *(5) assess the impact of the current system of lev-*
18 *ees and flood control projects and current watershed*
19 *management and land use practices on the flood levels*
20 *experienced on the Upper Mississippi River and*
21 *Lower Missouri River and their tributaries in 1993*
22 *and evaluate the cost-effectiveness of a full range of*
23 *alternative flood damage reduction measures, includ-*
24 *ing structural and nonstructural measures, such as*
25 *the preservation and restoration of wetlands;*

1 (6) *recommend flood control improvements and*
2 *other flood damage reduction measures to reduce eco-*
3 *nomie losses, damage to public facilities, and the re-*
4 *lease of hazardous materials from industrial, petro-*
5 *chemical, hazardous waste, and other facilities caused*
6 *by flooding of the Upper Mississippi River and Lower*
7 *Missouri River and their tributaries; and*

8 (7) *assess the environmental impact of current*
9 *flood control measures and the flood control improve-*
10 *ments recommended under this section.*

11 (c) *CONSULTATION.*—*In conducting studies under this*
12 *section, the Secretary of the Army shall consult the heads*
13 *of other Federal agencies with water resources and flood-*
14 *plain management responsibilities.*

15 (d) *REPORT.*—*Not later than June 30, 1995, the Sec-*
16 *retary of the Army shall transmit to Congress a report on*
17 *the results of the studies conducted under this section.*

18 **SEC. 6. EMERGENCY RESPONSE.**

19 *Section 5(a)(1) of the Act entitled “An Act authorizing*
20 *construction of certain public works on rivers and harbors*
21 *for flood control, and for other purposes”, approved August*
22 *18, 1941 (33 U.S.C. 701n(a)(1)), is amended by inserting*
23 *before the first semicolon the following: “; or in implementa-*
24 *tion of nonstructural alternatives to the repair or restora-*

1 *tion of such flood control work if requested by the non-Fed-*
 2 *eral sponsor”.*

3 ***SEC. 7. TREATMENT OF REAL PROPERTY BUYOUT PRO-***
 4 ***GRAMS.***

5 *(a) INAPPLICABILITY OF URA.—The purchase of any*
 6 *real property under a qualified buyout program shall not*
 7 *constitute the making of Federal financial assistance avail-*
 8 *able to pay all or part of the cost of a program or project*
 9 *resulting in the acquisition of real property or in any*
 10 *owner of real property being a displaced person (within the*
 11 *meaning of the Uniform Relocation Assistance and Real*
 12 *Property Acquisition Policies Act of 1970).*

13 *(b) DEFINITION OF “QUALIFIED BUYOUT PRO-*
 14 *GRAM”.—For purposes of this section, the term “qualified*
 15 *buyout program” means any program that—*

16 *(1) provides for the purchase of only property*
 17 *damaged by the major, widespread flooding in the*
 18 *Midwest during 1993;*

19 *(2) provides for such purchase solely as a result*
 20 *of such flooding;*

21 *(3) provides for such acquisition without the use*
 22 *of the power of eminent domain and notification to*
 23 *the seller that acquisition is without the use of such*
 24 *power;*

1 (4) *is carried out by or through a State or a*
2 *unit of general local government; and*

3 (5) *is being assisted with amounts made avail-*
4 *able for—*

5 (A) *disaster relief by the Federal Emergency*
6 *Management Agency; or*

7 (B) *other Federal financial assistance pro-*
8 *grams.*